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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,672	07/28/2003	Alan J. Schunemann	5363-001-23	4611

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EXAMINER

LIN, WEN TAI

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/627,672

Applicant(s)

SCHUNEMANN, ALAN J.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-13, 15, 16, 18-25 and 27-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-16, 18-25 and 27-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-3, 5-13, 15-16, 18-25 and 27-35 are presented for examination. Claims 4, 14, 17 and 26 have been canceled and claims 31-35 are newly added.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.
3. Claims 1-3, 5-9 and 31 are objected to because the term “the name discovery apparatus” at claim 1, line 11 appears to lack antecedent basis.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1-3, 5, 7-13, 15-16, 19-25 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai et al.[U.S. PGPub 20020178382].
5. Mukai was cited in the previous office action.

6. As to claim 1, Mukai teaches the invention as claimed including: a system for identifying users of a plurality of computers within an organization's communications network [See e.g., Abstract; Figs. 10, 15 and 18; paragraphs 2 and 140], comprising:

a database storing the organization's directory information, the directory information including user identification information but not requiring a list of devices [e.g., Figs. 18 and 22; paragraphs 213, 260 and 269; i.e., the static information such as personal picture, working office and email address of Figs. 17-18 are obtained from the organization's directory information];

a discovery apparatus [e.g. the security administration server of Fig. 11] for extracting user identification and associated Internet Protocol addresses, having at least one connection to a primary switch [paragraph 259; i.e., a switching hub] in the communications network for passively monitoring traffic through the same hub; [e.g., Fig. 11; paragraphs 247-249; i.e., in one embodiment the security administration server collecting communication packets flowing in the LAN]; and

a server, connected to said discovery apparatus and having access to said database via the communications network, said server having a server process capable of matching the user identification information from the directory information with the user identification information and current Internet Protocol addresses extracted by the discovery apparatus, creating a relationship between the directory information and current Internet Protocol addresses of computers currently in use by a contact in the directory information [e.g., Abstract; paragraphs 221, 259-260; note that to obtain results of Fig. 18 there must be a matching of the user identification information from the directory information with the user identification information and current Internet Protocol addresses extracted by the discovery apparatus].

7. As to claims 2-3, Mukai further teaches that the communications network is a local area network, which is an Ethernet network [Abstract].

8. As to claim 5, Mukai teaches that the system further comprising a central repository, accessible by said discovery apparatus and said Web server, for storing traffic monitored by said discovery apparatus [i.e., inherently there is a repository associated with the administration server for storing the collected information (see e.g., claims 1-3)].

9. As to claim 7, Mukai further teaches that said database contains the following fields of data: (i) First name and Last name; and (ii) electronic mail addresses and/or user name [paragraph 260 and Fig. 18].

10. As to claim 8, Mukai further teaches that that said server process is a Web server process capable of responding to browser-based queries to identify which user is using the which computer [e.g., Fig.6 and paragraphs 167 and 221; note that each computer has a uniquely defined MAC].

11. As to claim 9, Mukai further teaches that said the database also contains name (i.e., full name), working office (e.g., building and room) and permanent email address [See the detailed information contained in Fig.18].

12. As to claim 10, since the features of this claim can also be found in claim 1, it is rejected for the same reasons set forth in the rejection of claim 1 above.

13. As to claim 13, Mukai further teaches that said extracting step comprises the step of: using pattern matching based upon a known electronic mail protocol to extract said Internet Protocol addresses and said electronic mail addresses from said captured inbound and outbound electronic mail traffic [e.g., paragraph 185; i.e., inherently when a mail server is monitored, the captured information has to be parsed based on the known electronic mail protocol, otherwise information could be mistakenly captured or interpreted].

14. As to claims 31-32, Mukai further teaches that the user identification includes an electronic mail address and/or a user name [Fig. 18 and paragraph 260].

15. As to claims 11-12, 15-16, 19-25, 28-30 and 33-35, since the features of these claims can also be found in claims 1-3, 5, 7-10, 13 and 31-32, they are rejected for the same reasons set forth in the rejection of claims 1-3, 5, 7-10, 13 and 31-32 above.

***Claim Rejections - 35 USC § 103***

16. Claims 6, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai et al.(hereafter "Mukai")[U.S. PGPub 20020178382], as applied to claims 1-3, 5, 7-13, 15-16, 19-25 and 28-35 above.

17. As to claims 6, 18 and 27, Mukai does not specifically teach that said database is an formatted database. However, since Mukai does not limit its database to certain formats, it is obvious to one of ordinary skill in the art that Mukai's system is open for different kind of database formats, because the ability to be adaptive to different type of database formats enables Mukai's system/method to be implemented in a wider variety of operating environments.

18. Applicant's arguments filed on 11/30/2005 for claims 1-3, 5-13, 15-16, 18-25 and 27-35 have been fully considered but they are not deemed to be persuasive.

Specifically, Applicant argues that: (i) Muaki is limited to collecting communication packets only from a predetermined set of devices, which is manually entered and maintained, to be monitored; and (ii) the monitor software must be installed on the devices to be monitored.

The examiner respectfully disagrees with Applicant's remarks. Based on the cited paragraphs at 247-250 and Figs. 10-11, it is clear that Mukai discloses an alternative way of collecting information from communication packets flowing in the LAN. That is, Mukai's server is able to capture information from all the devices sharing the same hub switch without requiring a pre-determined list of devices connecting to the same LAN. Note that Applicant's method is also restricted to collecting devices communicated through the same primary switch, from which the discovery server resides. For the same reason, the software collecting the LAN information is installed at the server, not on the devices.

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571)273-8300 for official communications; and

(571)273-3969 for status inquires draft communication.

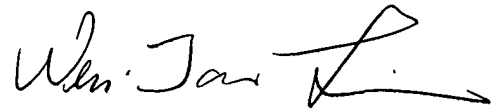


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

January 11, 2006



1/11/06